

## **TENTATIVE RULINGS for LAW and MOTION**

### **September 16, 2020**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted on Yolo Court's Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Ten (530) 406-6816  
Telephone number for the clerk in Department Nine (530) 406-6819

**NOTICE:** Effective May 4, 2020, all court appearances are by Zoom or Conference call. Yolo Superior Court Virtual Courtroom and conference call information is posted on the Yolo Court's Website at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov).

#### **TENTATIVE RULING**

**Case:** **The Best Service Co., Inc. v. Warstler**  
**Case No. CV G 18-1957**

**Hearing Date:** **September 16, 2020** **Department Nine** **9:00 a.m.**

Defendant Ronald Warstler's motion for order deeming admitted truth of facts and genuineness of documents is **DENIED**. Defendant has submitted a proof of service which he signed himself. A party to a cause cannot sign the proof of service. (Code Civ. Proc., § 1013a.) In addition, defendant submitted his requests for discovery after the 30 day discovery cutoff. (Code of Civ. Proc., § 2024.020; Decl. of Flowers, ¶¶ 7, 11-12.) The Court declines to consider defendant's request to reopen discovery as it was not brought by noticed motion with supporting meet-and-confer declaration as required. (Code of Civ. Proc., §§ 2024.050, 2016.040.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312, or further notice is required.

#### **TENTATIVE RULING**

**Case:** **England v. Woodland Medical Clinic**  
**Case No. CV PO 19-665**

**Hearing Date:** **September 16, 2020** **Department Nine** **9:00 a.m.**

Petitioner Lindsay Bowman's petition for approval of the minor's compromise of pending action is **DENIED**. The petition states that petitioner and the attorney entered into an agreement for services provided in connection with the claim giving rise to this petition. (Petition, ¶ 18(a)(2).) However, petitioner failed to attach a copy of the agreement as required. (Cal. Rules of Court, rule 7.951(6).)

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party, or the moving party if unrepresented by

counsel, is ordered to notify the opposing party or parties immediately of the tentative ruling system.

If no hearing is requested, and no party appears at the hearing, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.

#### **TENTATIVE RULING**

**Case:** **Figueroa v. Wharton**

**Case No. CV CV 19-1020**

**Hearing Date:** **September 16, 2020** **Department Ten** **9:00 a.m.**

Defendants Theron Daniel Wharton II and Calgon Carbon Corporation's request for judicial notice is **GRANTED**. (Evid. Code, §§ 452, 453.)

Defendants Theron Daniel Wharton and Calgon Carbon Corporation's motion to coordinate, consolidate, and transfer venue is **DENIED WITH PREJUDICE**. (Code of Civ. Proc., §§ 397, 403.) Defendants' paperwork does not contain the captions of the cases to be consolidated and defendants do not show that the motion has been filed in each case sought to be consolidated as required under California Rule of Court 3.350. Further, defendants' supporting declaration is insufficient, in that it does not state facts showing that the actions meet the standards specified in Code of Civil Procedure sections 404.1 and 397. (Decl. of Ted Daniel Wood; Code of Civ. Proc., §§ 397, 403, 404.1; *Maxwell v. Murray* (1961) 190 Cal.App.2d 440, 445.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312 or further notice is required.